

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CORIELLE JOHNSON #324642,

Case No. 09-10910

Plaintiff,

HONORABLE ARTHUR J. TARNOW
SENIOR UNITED STATES
DISTRICT JUDGE

v.

PATRICIA CARUSO ET AL.,

HONORABLE MICHAEL HLUCHANIUK
MAGISTRATE JUDGE

Defendants.

_____ /

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [36]**

Before the Court is the Magistrate Judge's Report and Recommendation granting Defendant Michigan Department of Corrections' (MDOC), Motion to Dismiss [36] of January 10, 2011. Plaintiff filed an Objection [40].

I. STANDARD OF REVIEW

The standard of review set forth in Federal Rule of Civil Procedure 72(b) governs this dispositive matter. Fed. R. Civ. P. 72(b). Pursuant to that rule, "[t]he district judge in the case must determine de novo any part of the magistrate judge's disposition that has been properly objected to." *Id.* at 72(b)(3); *see also* 28 U.S.C. § 636(b)(1)(C) (2006).

II. ANALYSIS

After a de novo review of the matter, the Court finds the analysis in the Report and Recommendation to be correct. Plaintiff's objections do not persuade the Court otherwise.

Plaintiff objects to the Magistrate Judge's finding that claims against the MDOC are barred by the Eleventh Amendment. Pl.'s Obj. [40]. Plaintiff restates arguments that Judge Hluchaniuk found unpersuasive.

The Court finds the arguments similarly unpersuasive and adopts the Magistrate Judge's Report and Recommendation as its own.

III. CONCLUSION

The Court has reviewed the record and being fully advised in the premises,

IT IS ORDERED that the Report and Recommendation [36] of the Magistrate Judge is hereby **ADOPTED** and is entered as the findings of the Court. Plaintiff's Objection [40] to the Report and Recommendation is **DENIED**.

IT IS FURTHER ORDERED that Defendant MDOC's Motion to Dismiss [14] is **GRANTED**.

SO ORDERED.

s/Arthur J. Tarnow
ARTHUR J. TARNOW
SENIOR UNITED STATES DISTRICT JUDGE

Dated: March 28, 2011

Proof of Service

The undersigned certifies that a copy of the Order was served on the attorneys and parties of record herein by electronic means or U.S. Mail on **March 28, 2011**.

s/Kim Grimes
Acting in the absence of
Lisa Manager, Case Manager